

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ABS GLOBAL, INC.,

Plaintiff/Counterclaim Defendant,

v.

INGURAN, LLC,

Defendant/Counterclaimant/Third-Party Plaintiff,

and

XY, LLC,

Intervening Defendant/Counterclaimant/Third-Party Plaintiff,

v.

GENUS PLC,

Third-Party Defendant.

ORDER

14-cv-503-wmc

Having reviewed ST's amended proponent deposition designations (dkt. #630), as well as the objections to ABS's counter-designations as reflected in ABS's designations (dkt. #631), the court makes the following rulings as to witness Gary Durack. The approved designations may be presented to the jury unless the witness is available to testify in person. **ST shall remove all objections and any other asides or discussions between counsel and/or with the court reporter, even where not noted by the court in its rulings.**

Deponent	Designations	Objections	Counter-Designations	Objections	Counter-Counter Designations	Rulings
Gary Durack	7:2-18:20 19:23-20:3 20:11-21:5 21:12-22:11 23:21-26:4 28:5-30:5 30:14-46:2 47:24-62:6	Statements of the videographer are not evidence [7:2-23 (Sustained); 8:6-7 (Sustained)] Identification of counsel is not evidence [7:24-25 (Sustained); 8:2-5 (Sustained)] Comments of counsel are not evidence [8:22-25 (Sustained); 14:8-11 (Sustained)] Comments of counsel are not evidence [21:16-18 (Sustained)] Hearsay [25:20-25 (Overruled); 26:2-4 (Overruled)] Comments of counsel are not evidence [28:5-6 (Sustained)]	30:6-13 46:18-37:23 110:18-110:20 113:24-113:25 114:2-114:4 (Overruled) 120:4-120:18 129:16-129:25 (Overruled) 130:2-130:3 131:21-131:25 132:2-132:16 133:17-133:25 (Overruled) 134:2-134:5 (Overruled) 135:9-135:19 (Overruled) 142:18-142:25 (Overruled) 143:3-143:14 143:19-143:25 144:2-144:7 147:23-147:25 (Overruled) 148:2-148:6 149:8-149:15 (Sustained) 149:23-149:25 150:2-150:25 151:2-151:25	Inguran and XY incorporate by reference the objections to Gary Durack's deposition designations cited in Dkt. No. 600.	Inguran and XY incorporate by reference the counter-designations to Gary Durack's deposition designations cited in Dkt. No. 600.	The parties' designations 172:10-175:2 will be included; ST's counter-counter designations 177:20-179:18, 180:3-6, 180:9-185:4, 185:6, 185:8-188:17, 189:9-190:14, 242:7-244:2 will be included; ST's counter-counter designations 323:7-21, 323:24, 324:1-12 are excluded

	62:16-68:8 68:22-70:6 71:11-19 71:24:72:7 77:24-78:14	Improper commentary on testimony [32:11 (Sustained from “And” through “answer.”)] Improper commentary on testimony [72:6-7 (Sustained)] Comments of counsel are not evidence [77:24-25 (Sustained) ; 78:2-14 (Sustained)]	(Overruled) 152:2-152:3 152:17-152:21 153:2-153:7 153:9-153:13 154:2-154:20 (Overruled) 154:24-154:25 155:2-155:19 156:6-156:14 157:4-157:25 (Sustained as to 157:10-12; otherwise overruled) 164:16-164:25 (Overruled) 165:2-165:12 179:19-179:24 (Sustained as to leading) 188:18-188:25 (Sustained as to relevance) 189:2-189:8 (Overruled) 192:5-192:10 (Sustained as to leading) 204:22-204:25 205:2-205:17 206:21-206:25 207:2-207:11 213:8-213:22			
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			<p>(Sustained) 218:17-218:25 (Sustained; ST's counter-counter designation 219:1-14 is excluded) 219:15-219:25 (Sustained) 220:2-220:9 (Sustained; ST's counter-counter designation 220:10-222:4 is excluded) 222:5-222:22 223:12-223:25 224:2 231:9-231:14 (Overruled) 231:22-231:25 (Sustained) 232:2-232:7 (Sustained) 247:8-247:25 (Sustained) 248:2-248:13 (Sustained) 248:21-248:25 (Sustained) 249:2-249:25 (Sustained) 250:2-250:3 (Sustained)</p>			
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			305:20-305:25 (Overruled) 306:2-306:25 (Sustained as to 306:16-25; otherwise overruled) 307:2-307:6 (Sustained; ST's counter-counter designation 307:7-22 will be included) 309:24-309:25 (Sustained) 310:2-310:4 (Sustained; ST's counter-counter designation 310:5-312:4 is excluded) 313:9-313:25 314:2-314:6 315:20-315:22 315:24-315:25 (Sustained) 316:2-316:5 (Sustained; ST's counter-counter designation 316:6-19 is excluded) 316:20-316:25 (Sustained)			
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			317:2-317:21 (Sustained) 317:23-317:25 (Sustained) 318:2 (Sustained) 318:4-318:12 (Sustained) 318:15-318:25 (Sustained) 319:2-319:4 (Sustained; ST's counter-counter designation 319:6-320:23 is excluded)			
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Entered this 4th of August, 2016.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge